

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AUREA GONZALEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF EDUCATION, GOODWILL  
INDUSTRIES OF GREATER NY AND NORTHERN NJ,  
INC., ROBERT RIVERA, *Individually* and ZELDA  
BRYANT ASHBY, *Individually*,

Defendants.  
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**BOE DEFENDANTS’  
NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

15-CV-03158 (WFK) (CLP)

**PLEASE TAKE NOTICE** that upon the Declaration of George McCook executed on September 18, 2015 and annexed hereto as **Exhibit A**, the Memorandum of Law in Support of the BOE Defendants’ motion to dismiss the Complaint dated September 18, 2015, and upon all the papers and proceedings previously had herein, Defendants City of New York (“City”), the Board of Education of the City School District of the City of New York (“BOE”) (sued herein and doing business as the “New York City Department of Education”), Robert Rivera and Zelda Bryant Ashby (collectively “BOE defendants”) will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, before the Honorable William F. Kuntz, II, United States District Judge, on a date and at a time to be designated by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint against the above-referenced Defendants on the grounds that: (1) The City is not a proper party to this action; (2) the Plaintiff’s CHRL claims as against the BOE must be dismissed for failure to comply with the applicable Notice of Claim requirements and because they are time-barred; and (3) the Plaintiff’s

Title VII & CHRL Gender Discrimination claims as against the BOE, Rivera and Bryant Ashby fail to state a plausible claim.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Court's August 4, 2015 order, opposition papers shall be served on or before October 16, 2015, and reply affidavits and memoranda of law, if any, shall be served on or before November 6, 2015.

Dated: New York, New York  
September 18, 2015

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